

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: AVANDIA MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION

MDL NO. 1871
07-md-01871

THIS DOCUMENT APPLIES TO:
ALL ACTIONS

HONORABLE CYNTHIA M. RUFÉ

**NOTICE OF FILING APPLICATION FOR APPOINTMENT OF
FRED THOMPSON, III TO THE PLAINTIFFS' STEERING COMMITTEE**

NOW COMES Fred Thompson, III, Attorney at Law, who files the attached Application
for Appointment to the Plaintiffs' Steering Committee in the above captioned matter.

Respectfully submitted,

A handwritten signature in black ink, reading "Fred Thompson" with a stylized "III" superscript at the end.

FRED THOMPSON, III (#5548)
MOTLEY RICE, LLC
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**APPLICATION FOR APPOINTMENT
TO THE PLAINTIFFS' STEERING COMMITTEE**

Please consider this my Application to the Plaintiff's Steering Committee. In support thereof, I am well-versed in mass tort litigation, have the willingness and availability to commit to this project, and the ability to work cooperatively.

Professional Experience

Fred Thompson, III, graduated *cum laude* from Yale University in 1973. After serving as a gunnery assistant and anti-submarine warfare officer aboard a destroyer as a lieutenant junior grade in the U.S. Navy from 1973-76, he returned to law school and graduated with distinction from Duke University School of Law in 1979. He was elected to the Order of the Coif. He served on the Editorial Board of the Duke Law Journal, publishing a Note: ***Challenges to the Legality of Minibridge Intermodal Transportation Systems***, 1978 **Duke LJ** 1233.

He has been a member of the Bar of the South Carolina Supreme Court since 1979, practicing continuously for 28 years. He is a member of the Bar of the United States District Court for South Carolina; the Fourth and Second Circuits Courts of Appeals, and the United States Supreme Court. He has been admitted *pro hac vice* to numerous state and federal fora, and has never been denied admission. He has never suffered discipline or sanctions by any sitting court. He carries an AV rating from Martindale Hubble.

He has participated as a speaker and panelist at numerous legal gatherings. A recent sample of his schedule includes at the American Association of Justice Midyear Conventions in 2007 and 2008; its Annual Convention in June, 2007; the Brookings Institution Symposium for the Judiciary at University of Chicago in November, 2007; Mass Torts Made Perfect, in November, 2006, April 2007, November, 2007; and the Mealey's Conference on Avandia, June, 2007. He is a Member of Motley Rice, LLC and is the Leader for the firm's Medical Practice Group, managing all cases related to medical devices, pharmaceutical drugs, medical negligence, and nursing home cases. He has maintained an active trial practice in the drug and device arena. With its main office in Mt. Pleasant, South Carolina, and offices in Providence, Rhode Island and Hartford, Connecticut, Motley Rice has a nationally based plaintiffs' practice, and the firm has vast experience litigating complex cases nationally. The lawyers of Motley Rice participated in the tobacco litigation by representing the states' attorney general and were preeminent players in achieving that national settlement. The firm has been in the forefront of litigating asbestos, 9/11 families and terrorism cases, aviation cases, lead paint and many other complex mass injury, commercial, and environmental cases. The firm has a presence in many of the ongoing drug and device cases pending in the courts presently, including The Medtronic Fidelis Lead cases, Human Tissue, Kugel Mesh, Vioxx, Bextra and Celebrex, Trasylol, Paxil, Advair and Serevent, Gadolinium, Fosomax, NuvaRing, as well as Avandia. The Firm maintains an informational web site at www.motleyrice.com

Motley Rice is experienced in performing as lead and collegial committeemen in multidistrict litigations, consolidations, and class actions. It is currently co-lead counsel and liaison counsel in the Kugel Mesh MDL, MDL 1842, pending in District of Rhode Island. The firm actively participated in the New Jersey consolidation for Vioxx and actively took depositions for the common benefit of the plaintiffs, documentary discovery into marketing issues including third party discovery, and was at the lead in seeking to challenge and achieve

disclosure of privilege-claimed documents. Mr. Thompson is co-leader of the Kugel Litigation Group for the American Association of Justice. He recently served as Chair of the Expert Committee of the Medtronic ICD MDL in District of Minnesota that recently achieved a settlement between the company and the majority of plaintiffs.

Availability

Mr. Thompson has the time, financial, and staff resources to work on behalf of all plaintiffs in moving energetically and efficiently through threshold issues, into discovery, and toward resolution, trial, or remand of this MDL. He has a strong personal interest in this project and believes that a position on the Steering Committee is vital to insure that key threshold legal issues are fully addressed and briefed, that proper discovery is obtained, and that scientific information is properly analyzed to ascertain the safety and efficacy issues presented by the pharmaceutical cases, both on behalf of the clients to whom he already holds high duties of zeal and competence, but also to all clients whose claims are to be placed into the MDL.

In this regard, Mr. Thompson believes that collegiality and the ability to work efficiently with a minimum of infighting, competition, and personality conflicts are required to zealously and competently represent the clients. He has already begun work to foster cooperative efforts to accomplish the heavy press of duties that will fall upon the Steering Committee. He prays that the Court will grant his application to participate as a Member of the Steering Committee.

Respectfully submitted,

A handwritten signature in black ink, reading "Fred Thompson" with a stylized "III" at the end.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served upon counsel for all parties by United States Mail, postage prepaid and properly addressed this 19th day of March, 2008.

A handwritten signature in black ink that reads "Fred Thompson" followed by a stylized "III" as a superscript.

FRED THOMPSON, III